

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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In re:

LYNDEL TOPPIN,

Debtor.

:
:
Chapter 13

:
:
Bankruptcy No. 18-13098 (MDC)

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LYNDEL TOPPIN,

Plaintiff,

v.

:
:
Adv. Pro. No. 18-00137 (MDC)

JEWELL WILLIAMS SHERIFF
OF THE CITY OF PHILADELPHIA and
ABDELDAYEM HASSAN a/k/a
ABDEL DYEM HASSAN,

Defendant
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**THE SHERIFF OF THE CITY OF PHILADELPHIA’S
MOTION FOR DIRECTED VERDICT**

The Sheriff of the City of Philadelphia (“Sheriff”) submits this Motion for Directed Verdict and in support thereof avers the following:

1. Plaintiff, Lyndel Toppin (the “Plaintiff”), commenced this Adversary Proceeding against the Sheriff and Abdeldayem Hassan alleging willful violations of the automatic stay under Section 362(a) of Chapter 11 of title 11 of the United States Code § 101, *et seq.* (the “Bankruptcy Code”) for post-petition enforcement of a Writ of Possession against unknown occupants at 146 S. 62nd Street, Philadelphia, Pennsylvania (“Property”).

2. The Plaintiff seeks damages including actual damages for emotional distress, costs and attorney’s fees pursuant to Section 362(k) of the Bankruptcy Code.

3. Trial in this matter commenced on August 21, 2020.

4. At the close of Plaintiff's case, the Sheriff moved for a directed verdict.

5. As set forth more fully in the Sheriff's Memorandum of Law in Support of Directed Verdict, the Sheriff is entitled to a directed verdict pursuant to Federal Rule of Civil Procedure 52(c), made applicable to this adversary proceeding pursuant to Federal Rule of Bankruptcy Procedure 52, as Plaintiff failed to meet his burden of proof at trial.

WHEREFORE, Court grant a directed verdict in the Sheriff's favor, dismiss this adversary proceeding and grant such other and further relief as this Court deems appropriate.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: October 8, 2020

By: /s/ Megan N. Harper
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